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BUILDING BACK BETTER: WILL DISABLED LIVES FINALLY BE VALUED?

By John Rae

A Presentation delivered at the Disability and Work in Canada 2021 National Employment Conference: Achieving Equality of Opportunity and Choice in Careers, Jobs and Work, December 1, 2021

During the past four and a half decades that I have been active in Canada’s disability rights movement, many, many organizations have worked to improve employer attitudes and assist job-seekers with disabilities to find and retain employment. While I am sure that the individuals who have been assisted appreciate the efforts of these organizations, and while the variety of jobs currently held by Canadians with disabilities has grown somewhat, our overall rate of employment has only inched up very slowly and marginally.

Our collective dilemma was clearly articulated in the First Draft of the 2018 National Employment Strategy: “Many employers have told CCRW that they would not embark on hiring people with disabilities without specific guidance and advice from employment agencies.” (1)

This was the analysis of our situation, not way back in the International Year of the Disabled Persons 1981, but in 2018. Reworded only slightly, it says to me that many employers do not want any part of us, and would be happier if we went away and stopped darkening their doors altogether.

I must ask all of you: How far have we really progressed and why are our lives and experiences still not valued by so many employers, governments and service providers alike?? As Canada plans to "build back better," will Canadians with disabilities finally be valued more in the future than we have been in the past or present, and will we be more involved in decisions that directly affect our lives?

FALLING FURTHER BEHIND:

The COVID-19 pandemic has created many new pressures for all of us, and persons with disabilities have been disproportionately negatively impacted by the pandemic. While many Canadians qualified to receive the Canada Emergency Response Benefit (CERB), at up to $2,000 a month for many months, Canadians with disabilities who hold the Disability Tax Credit (DTC) received a one-time grant of a mere $600 despite the fact that we have always had to confront the additional costs associated with our disability. Our need for additional supports has been further heightened throughout the pandemic. This issue was highlighted again recently by a November 26, 2021 Toronto Star article entitled, "CERB and CRB discriminated against Canadians with disabilities, new Charter challenge claims" by Rosa Saba, which discusses a Charter challenge that has been launched by Valerie Jacob claiming that the federal government’s COVID-19 relief programs for workers discriminated against workers with disabilities. (2) Why were our needs not given greater attention and priority by governments during the pandemic, what will happen to us when the pandemic subsides and governments return to their pre-pandemic austerity ways? Is this a clear indication that disabled lives really do not matter in Canada in the year 2021?

Today, we face new pressures. The Black Lives Matter Movement has brought long overdue attention to issues of systemic black racism, issues that Canadians often prefer to believe are present south of our border, but that are not so present in Canada. Think again!

The release of the Report from the Truth and Reconciliation Commission and the Report of the Inquiry into Missing and Murdered Indigenous Women and Girls have highlighted the results of centuries of genocide and willful neglect of Indigenous communities here in Canada, and the need for concrete actions. But why weren’t the lived experiences of Black or Indigenous Canadians included when actions to assist Black and/or Indigenous peoples are being discussed and considered?  Are their lives and experiences also not worth valuing?

And as a result of the long overdue heightened attention being accorded to these communities, will our issues and needs be shunted even further to the margins?

CORPORATE CANADA GETS MIXED REPORT CARD FROM CANADIANS LIVING WITH DISABILITIES:

A plurality of Canadians living with disabilities say corporations need to do more to hire and support them

In early November, A new study from the non-profit Angus Reid Institute in partnership with the Rick Hansen Foundation was released (3) and its findings are bound to disappoint service providers, but probably won’t come as a great surprise to disabled consumers. The Study found that almost two-in-five (40%) of those living with a disability say that companies fall short when it comes to hiring those who are disabled.

Barriers also persist in the workforce, with another two-in-five (39%) of those living with disabilities saying that Canadian companies have a way to go when it comes to supporting their employees who have a disability.

The more severe the disability someone is living with, the worse they rate Canadian companies. Half (48%) of those with severe disabilities say that companies are bad at hiring those with disabilities, while 46 per cent say the same about the supports offered by corporate Canada to disabled employees.

Over half (55%) of those with a disability between the ages of 18 and 34 say companies do either a bad or terrible job when it comes to hiring disabled Canadians.

When it comes to equity, diversity, and inclusion (EDI) policies in the workplace, four-in-five (78%) Canadians say disability should be included.

TIME FOR A NEW PARADIGM:

The Consumer Movement, or the Disability Rights Movement, started partly as a reaction against what Jim Dirksen, former Chair of the Council of Canadians with Disabilities (CCD) often called the "rehabilitation industry" - service-providers like CNIB, Easter Seals Canada, the former Canadian Rehabilitation Council for the Disabled (CRCD), and other organizations of a similar ilk. Persons with disabilities too often find ourselves surrounded by a bevy of professionals - doctors, social workers, counsellors, therapists and researchers - who surround us, sometimes acting a bit like a flock of vultures, ready to study us, diagnose us, overly medicalize us, speak for us, make a good living off of our situation, and try to decide what is best for us and what we need, but too rarely employ us or leave decisions concerning what is really best for us in our own hands.

More and more Canadians with disabilities believe the Social Model of Disability does not go nearly far enough. While it offers a much more realistic view of disability, it does little to redress the power imbalance that exists between disabled consumers and service-providers. More of us are now referring to ourselves as "Rights Holders," and not merely another group of stakeholders. (4) As Rights Holders, we maintain that we must be given a pre-eminent place at all tables where decisions that affect us are being made. We must be accorded our rightful place so that our views will be heard and our lived experiences taken fully into account before any decisions are made.

THE ATTACK ON INJURED WORKERS:

The concept of workers’ compensation had its origins in Germany, Great Britain and the United States between the late 1800’s and early 1900’s.

Workers’ compensation in Canada had its beginnings in the province of Ontario. In 1910, Mr. Justice William Meredith was appointed to a Royal Commission to study workers’ compensation. His final report, known as the Meredith Report (5) was produced in 1913.

The Meredith Report outlined a historic compromise, a trade-off in which workers relinquished their right to sue in exchange for compensation benefits. This trade-off was based on a set of SIX principles:

1. NO FAULT COMPENSATION: workers are paid benefits regardless of how the injury occurred. The worker and employer waive the right to sue. There is no argument over responsibility or liability for an injury.

2. SECURITY OF BENEFITS: a fund is established to guarantee funds exist to pay benefits to workers.

3. COLLECTIVE LIABILITY: all employers share liability for workplace injury insurance. The total cost of the compensation system is shared by all employers. All employers contribute to a common fund. Financial liability becomes their collective responsibility.

4. INDEPENDENT Public ADMINISTRATION: the organizations who administer workers' compensation insurance are separate from government.

5. EXCLUSIVE JURISDICTION: only workers' compensation organizations can provide workers' compensation insurance. All compensation claims are made directly to the compensation board. The board is the decision-maker and final authority for all claims.

6. Compensation as long as the disability lasts.

But today, the system of workers’ compensation that developed from the Meredith Report has been greatly eroded. The WSIB in Ontario has fundamentally changed from being a reliable source of benefits to individuals who have become disabled or ill through work to an insurance model, where the WSIB's top priority has become cost-cutting on the backs of injured workers - the group whom it was established to serve have been cut, allegedly to cover a so-called unfunded liability at the WSIB.

Claimants are now often under surveillance, claimants doctors' information is routinely ignored, and benefits are often reduced by the most egregious and discriminatory practice of all, "deeming." Through deeming, an injured worker's benefits can be reduced by the amount the WSIB assumes the worker could earn, but these reductions in benefits are based on phantom jobs, and not real ones.

WORKING IN SILOS:

Civil society organizations are quick to criticize governments for “working in silos,” and that’s perfectly understandable because that’s how many of them operate. However, if we did a serious introspective examination, we would find that too many of our own organizations also operate in silos. This phenomenon needs to change.

Success at work is too often unlikely and may be totally unattainable if we don’t adopt a more holistic approach. If accessible training for available jobs in this technological age is lacking; if some businesses continue to purchase new technology that they know isn’t accessible to and usable by all employees, if accessible and affordable housing can’t be found in communities where jobs may be available, if reliable transportation to get to and from the job isn’t available, and if an inclusive workplace where the individual’s needs aren’t fully accommodated and valued isn’t also present, then obtaining work is likely to remain an elusive dream for too many of us.

The phrase “nothing about us without us” is widely heard, but how many employers and other organizations merely try to sound progressive by talking this rhetoric rather than embracing us by truly walking this talk? Take this Conference as an example. It has a minimal number of disabled consumers among its organizers. How can we expect the wider community to walk the talk and value us if our own activities fail to invite us in and include us in meaningful numbers in leadership roles? Is this an indication that even those who purport to support us don’t really value our participation?  We can’t continue to work in siloes. We need everyone to work together with a vision of diversity that includes all equity-seeking groups.

LEADERSHIP FROM THE TOP:

Business literature repeatedly tells us that leaders in any organization set the tone for an organization and how it operates. This logic is equally present when it comes to the employment of persons with disabilities. Governments must lead by example, they must all become model employers where they lead the way in implementing the kinds of inclusive practices that are needed among all employers.

Too often, in responding to anti-poverty reports, governments have callously responded that the solution to our poverty is simple, “just go out and get a job,” yet these same governments have done little or nothing to indicate where are all of these jobs that disabled job-seekers are suddenly expected to go out and obtain, nor have they developed new initiatives to encourage employers to do more to expand the hiring and retention of workers with disabilities in their companies?

Today, we frequently hear employers crying the blues that they have positions available that they cannot fill. Reasons cited include: people don’t have the right skills, or at least the skills employers say they need for today’s jobs; some jobs offer bad pay or unpredictable schedules, and some other workers are still nervous about COVID-19 or they have care responsibilities. But how many of these same employers have reached out to the disability community where there are lots of individuals ready to work? Not nearly enough! Workers with disabilities remain a major untapped pool of available talent that employers should reach out to far more frequently. Why don't they do so more frequently? Clearly, our experience and contributions are not yet valued by enough employers.

THE CHRONIC NEED FOR INCREASED REPRESENTATION AT DECISION-MAKING TABLES:

The ongoing inadequate level of representation of persons with disabilities at tables where important life-affecting decisions are decided makes it easy for the needs and aspirations of our community to be simply ignored or even callously disregarded when important decisions about us are being made. Whether in the boardrooms where decisions about hiring policies are set, the offices where decisions about the degree of accessibility in the manufacture of new products are determined, newsrooms where decisions about which stories will be covered and what slant will be given to those stories, political party offices where platforms are determined, the municipal planning departments where policies about community access are determined, or the offices of Premiers and the Prime Minister where decisions about government policies are really made, the 22% of our population, persons with disabilities, have never been adequately represented nor are we present in sufficient numbers today. If we are ever to make significant progress towards achieving the elusive goal of the International Year of Persons With Disabilities, "Full Participation and Equality," this chronic level of under-representation must change and our participation must be welcomed and valued!

Redressing some of our historic chronic level of unemployment would not only bring some of us out of poverty by providing more of us with good paying jobs, it would provide organizations with badly needed in-house expertise on disability that could lead to developing new products, services and programs that could make Canada a world leader as many nations also grapple with bringing persons with disabilities into the mainstream after their own ratification of the UN Convention on the Rights of Persons With Disabilities (CRPD).

INTERSECTIONALITY:

Statistics Canada reports that Canadians who live with some kind of disability comprise around 22% of Canadians. We know that we are found in all communities, among all racial and ethnic groups, and in all socio-economic strata of Canadian society. However, when conferences or studies based on topics of human rights or diversity take place, "human rights" is too often equated only to race and not the broader range of equality-seeking groups. Why is disability so often ignored, even among those we should consider our natural allies? Why are we not valued more by other equality-seeking groups?

TIME TO WRITE A NEW STORY OF DISABILITY:

A friend recently sent me an amazing Ted Talk, entitled "The Danger of a Single Story,” by Chimamanda Ngozi Adichie, a Nigerian writer and storyteller whose works include novels, short stories and nonfiction.

Chimamanda Adichie, was an early reader. When she was very young, the stories she read were British and American children's books.  When she started to write around the age of seven, she wrote exactly the same kinds of stories she was reading. All her characters were white and blue-eyed. They played in the snow. They ate apples, and they talked a lot about the weather, how lovely it was that the sun had come out. Now, please remember that at that point, she had never been outside Nigeria. Nigerians didn't have snow. They ate mangoes. And they never talked about the weather because there was no need to.

Her characters also drank a lot of ginger beer because the characters in the British books she read drank ginger beer. Never mind that she had no idea what ginger beer was, nor had she ever tasted a drop of it. But for many years afterwards, she had a desperate desire to taste ginger beer.

You may be wondering just what is the relevance of this story to the current plight of Canadians with disabilities? I suggest this fascinating story is directly relevant.

What this demonstrates, I think, is how impressionable and vulnerable we are in the face of a story, particularly as children and especially when we hear the same story over and over again.

For Canadians with disabilities who were born disabled or who became disabled early in life, too many of us will remember an all too familiar refrain. :"You can't do that." "There is no point in considering studying for that occupation because you won't get hired anyway."

And when we grow up and begin applying for jobs, many can tell us of the stacks of "we wish we could hire you, but ... " response letters that have piled up. Any wonder many of us are not even in the workforce, and no wonder many of us have given up ever finding work again.

Again, we all should be asking, when will the experiences and contributions of disabled job-seekers finally be recognized and valued?

This is my challenge to all of us, to write a new story, where persons with disabilities are valued and included, where our contributions are wanted by the wider society. This must begin by involving more of us in the conceptualizing, development and implementation of new policies and programs, because what we are really talking about are conscious public policy decisions and not just accidents of history.

A strong business case has been made; the moral imperative has been clearly articulated; and the benefits of bringing more of us into the economic mainstream through meaningful employment is obvious. It's time that we all did more to ensure a better future for the next generation of rights Holders with various disabilities.

I hope the rest of this conference will help write this new story, for otherwise, we risk consigning yet another generation of Canadians with disabilities to the scrap heap of history. That would be tragic, and so unnecessary. As Canada works to "build back better," will those efforts include Canadians with disabilities or will our needs and aspirations be forced to "wait yet again?" These are the questions I leave with you.

Foot Notes

1. CRWDP, Moving Forward Together: A Canadian Strategy for Disability and Work, DRAFT for discussion at the Disability and Work in Canada conference, Ottawa, December 4-5, 2018, Pg. 15

2. Saba, Rosa, "CERB and CRB discriminated against Canadians with disabilities, new Charter challenge claims," Toronto Star, Nov. 26, 2021

3. Angus Reid Institute, "Corporate Canada gets mixed report card from Canadians living with disabilities," November 2021

4. For further discussion of the concept of persons with disabilities as Rights Holders, see Rae, John and Robin East, "Beyond the Social Model of Disability,: WORKING POLICY, volume 2, issue 2 Fall 2016

5. Meredith, Sir William, The Meredith Report, 1914

\*\*\* End of Presentation